United Nations S/AC.49/2018/82

Security Council

Distr.: General
25 May 2018

Original: English

**Security Council Committee established pursuant to resolution 1718 (2006)**

## Note verbale dated 24 May 2018 from the Permanent Mission of Lithuania to the United Nations addressed to the Chair of the Committee

The Permanent Mission of the Republic of Lithuania to the United Nations presents its compliments to the Chair of the Security Council Committee established pursuant to resolution 1718 (2006) and has the honour to submit herewith the report of the Republic of Lithuania on the implementation of resolution 2397 (2017) (see annex).

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## Annex to the note verbale dated 24 May 2018 from the Permanent Mission of Lithuania to the United Nations addressed to the Chair of the Committee

## Report of Lithuania on the implementation of Security Council resolution 2397 (2017)

Lithuania and the other States members of the European Union have jointly implemented the restrictive measures against the Democratic People's Republic of Korea imposed in Security Council resolution 2397 (2017) by taking the following common measures:[1]

**Common measures**

(a) Council Implementing Decision (CFSP) 2018/16 of 8 January 2018 implementing Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which implements the designation of additional persons and one additional entity under the travel ban and/or asset freeze;

(b) Council Implementing Regulation (EU) 2018/12 of 8 January 2018 implementing Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to Council Implementing Decision (CFSP) 2018/16;

(c) Council Decision (CFSP) 2018/293 of 26 February 2018 amending Decision (CFSP) 2016/849 concerning restrictive measures against the Democratic People's Republic of Korea, which sets out the commitment of the European Union to the implementation of the measures contained in Security Council resolution 2397 (2017) through the following:

(i) The European Union had already introduced a full prohibition on the export of crude oil in Council Decision (CFSP) 2017/1860 of 16 October 2017, with the possibility of exemptions for exports for humanitarian purposes if approved in advance, on a case-by-case basis, by the Committee. In Decision (CFSP) 2018/293, it is further specified that the prohibition applies to the direct or indirect supply of all crude oil to the Democratic People's Republic of Korea, whether or not originating in the territories of the member States, including by means of pipelines, rail lines or vehicles;

(ii) The European Union had already introduced a full prohibition on the export of all refined petroleum products in Council Decision (CFSP) 2017/1860, which provided that the export of refined petroleum products could be authorized by the competent authority of a member State for humanitarian purposes under the conditions mentioned in paragraph 14 of resolution 2375 (2017). In Decision (CFSP) 2018/293 it is now further specified that the amount of refined petroleum products authorized for export cannot exceed 500,000 barrels per year and that the means of export include pipelines, rail lines and vehicles;

(iii) Prohibition on importing food and agricultural products, machinery, electrical equipment, earth and stone (including magnesite and magnesia), wood and vessels;

(iv) Prohibition on the acquisition of fishing rights from the Democratic People's Republic of Korea;

[1] All common measures are published in the *Official Journal of the European Union*.

(v) Prohibition on exporting all industrial machinery, transportation vehicles, iron, steel and other metals, unless it has been determined by a member State that the provision of spare parts is needed to maintain the safe operation of passenger aircraft of the Democratic People's Republic of Korea;

(vi) Obligation to repatriate to the Democratic People's Republic of Korea immediately, and no later than 21 December 2019, all nationals of that country who are earning income in the jurisdiction of a member State and all government safety oversight attachés of the Democratic People's Republic of Korea monitoring its workers abroad, unless certain exceptions apply, subject to applicable national and international law;

(vii) Obligation for member States to seize, inspect and impound any vessel in their ports and the power to seize, inspect and impound any vessel subject to their jurisdiction in their territorial waters where there are reasonable grounds to believe that the vessel has been involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea. Under certain conditions the provisions for the impounding of vessels shall cease to apply;

(viii) Obligation to cooperate as promptly as possible with another State which has information that leads it to suspect that the Democratic People's Republic of Korea is attempting to export illicit cargo and where that other State requests additional maritime and shipping information;

(ix) Prohibition on providing insurance or reinsurance services to vessels identified as being involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea, unless the Committee has determined, on a case-by-case basis, that the vessel is engaged in activities only for livelihood or humanitarian purposes;

(x) Obligation to deregister any vessel where there are reasonable grounds to believe that the vessel has been involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea;

(xi) Prohibition on providing classification services to vessels identified as being involved in activities, or in the transport of items, prohibited by the Security Council in its various resolutions on the Democratic People's Republic of Korea, unless approved in advance by the Committee, on a case-by-case basis;

(xii) Obligation not to register any vessel that has been deregistered by another State unless approved by the Committee in advance, on a case-by-case basis;

(xiii) The prohibition on exporting new or used vessels had already been introduced in Council Decision (CFSP) 2017/345;

(xiv) Obligation to seize and dispose of items the export of which is prohibited under resolution 2397 (2017);

(xv) Prohibition on satisfying any claim in connection with any contract or transaction of which the performance has been affected by the measures provided for in resolution 2397 (2017);

(d) Council Regulation (EU) 2018/285 of 26 February 2018 amending Council Regulation (EU) 2017/1509 concerning restrictive measures against the Democratic People's Republic of Korea, which gives effect to the measures set out in Council Decision (CFSP) 2018/293.

The above-mentioned Council Regulations are binding in their entirety and directly applicable in all States members of the European Union. Under Council Regulation (EU) 2017/1509, member States are required to determine the penalties applicable to infringements of their provisions. The penalties determined by Lithuania are set out in the following legislation:

(a) Law on the Approval and Entry into Force of the Criminal Code (No. VIII-1968, 26 September 2000, as amended)

(b) Law on the Approval, Entry into Force and Implementation of the Code of Administrative Offences (No. XII-1869, 25 June 2015, as amended)

Lithuania has adopted the following national legislation requiring an export authorization for the sale, supply, transfer or export of arms and related materiel to third countries and an authorization for the provision of brokering services and other services related to military activities, which, together with Council Decision (CFSP) 2016/849, provides the basis for enforcement of the arms embargo against the Democratic People's Republic of Korea and the ban on related brokering services:

(a) Law concerning Control of Import, Transit and Export of Strategic Goods and Technologies (No. I-1022, July 1995, as amended)

(b) Governmental Resolution No. 932 of 22 July 2004 on the Approval of Licensing Rules for Export, Import, Transit and Mediation of Strategic Goods and the Rules of Implementation for the Control of Strategic Goods (as amended)

Lithuania has adopted the following national legislation prohibiting the sale, supply, transfer or export of arms and related materiel to the Democratic People's Republic of Korea and the provision of brokering services and other services related to military activities:

(a) Governmental Resolution No. 237 of 1 March 2005 on the Approval of the List of the States to which the Export or Transit of the Goods Listed in the Common Military List Is Prohibited and for which Brokering in Negotiations and Transactions in the Goods Listed in the Common Military List Is Prohibited (as amended)

As regards restrictions on admission (visa ban), Lithuania has adopted the national entry-ban list, which, together with Council Decision (CFSP) 2016/849 and Regulation (EC) No. 539/2001, provides the basis for refusal of admission and denial of requests for a visa.